

3637

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2
3 APPLICANT: Phillip C. Apple
4 TITLE: CLOSEABLE THATCHED UMBRELLA
5 GROUP: 3635
6 SERIAL N^o: 09/541,647
7 FILED: April 3, 2000
8 EXAMINER: Winnie Yip
9 DOCKET N^o: 1567

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Box Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

3-18-04
Date of Deposit

Mark C. Jacobs, Reg. # 24043

3-18-04
Date of Signature

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11
12
13 BOX NON-FEE AMENDMENT

14 Commissioner for Patents

15 P.O. Box 1450

16 Alexandria, VA 22313-1450
17

18 Sir:

19 RESPONSIVE TO THE OFFICE ACTION OF MARCH 10, 2004
20

21 Dear Ms. Yip:

22 In view of an obviously unintentional error in comprehension of the effective
23 dates of certain rule changes, I am writing to you to withdraw the most recent office
24 action wherein you noted that our amendment dated 7-29-03 was not in compliance
25 with 37 CFR 1.121(c). Your office action in paragraph 2 states that amendments
26 filed after 7-29-03 need to be in a particular format. I hasten to call your attention to
27 the sheet issued by the PTO, copy enclosed, which states that the effective date for
28 the rule change is 7-30-03. I believe therefore that since you acknowledge that our
29 amendment is dated 7-29-03 that we are in compliance with the rule for formatting
30 that was in effect on 7-29-03.

31 Please note that I am responding to you in this letter type format purposely,
32 as a result of a telephonic interview with Lana Mai your immediate supervisor.
33 Please thank her for her courtesy.

RECEIVED

MAR 25 2004

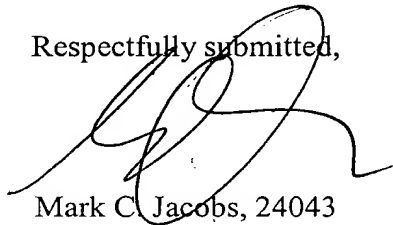
GROUP 3600

1 I further call your attention to another problem that arose with respect to
2 dates. In your office action of 2-12-03 you indicate that you are responding to our
3 amendment dated 10-1-02. The actual amendment was dated 6-11-02.

4 I now interrupt my letter to thank you for the examiner initiated telephone call
5 at 5:55est. We now agree that claim 1 was canceled and that claim 9 and all claims
6 dependent on claim 1 shall now be dependent on claim 9 now new claim 1.

7 We look forward to an early allowance. The patience and efforts of the
8 examiner are acknowledged. **Authority is hereby given to the examiner to modify**
9 **the claim set currently in place as to format in order to satisfy her**
10 **interpretation of what the format should be. A duplicate copy of the previous**
11 **amendment but with a minor change that claim 1 has been canceled and claim**
12 **9 is the new claim 1. If there are any issues a telephonic reply to counsel is**
13 **requested.**

14
15 Respectfully submitted,

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18 Mark C. Jacobs, 24043

19 Attorney for Applicant(s)

20 916-485-5000

21 sactopat@aol.com
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